

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2013090293

ORDER GRANTING DISTRICT'S  
REQUEST FOR CONTINUANCE AND  
SETTING PREHEARING  
CONFERENCE AND HEARING

On January 3, 2014, District filed a request to continue the prehearing conference and hearing. The current dates are the first dates set on Student's recently amended complaint. The reasons given were unavailability of District's representative, and that Student had yet to attend a mandatory resolution session. District contacted Student before the motion was filed to attempt to meet and confer. Student did not agree to the continuance, but filed no opposition establishing unavailability on the dates requested by District or any reason to deny the continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. Good cause was shown by the unavailability of District's representative, and that no resolution session has occurred. All dates are vacated. This matter will be set as follows:

Mediation:	Not requested.
Prehearing Conference:	March 14, 2014 at 1:00 PM
Due Process Hearing:	March 24-27, 2014 at 1:30 PM first day, 9:00 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: January 09, 2014

/s/  
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RICHARD T. BREEN  
Presiding Administrative Law Judge  
Office of Administrative Hearings